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EHIGH COURTS.

Deislous Rendered at the ton Term, 1884.

ORT OF APPEALS, a the State, from Travis conviction in this case on one Gibson, one ent for the same of and relied upon for re-redirectly to the suffideliment to charge the inspection the indictand to charge the ele-flense as laid down by Unlike the old code

hisian appeal from an orn below refusing the ap-The doctrine has been be refused when, by the defendant ms that ball is not g such as would lead a the defendant is guitty ged against him, that ad been committed and spilal grade, and that the to the guilty agent, the refused. Otherwise evidence is not suffi-f evident" to show the are been of the capital all fixed in the amount of

alt with intent to murder. on appeal, is urged to the court. The is whether or not if death ald have supported a con-munder, if so determined assing upon the credibility suni the weight of the of which they are exclusive e charge of the court pre-law in harmony with this

vs. the State, from Basp-in passing upon the ac-count below in refusing a a, and subsequently in re-w trai, this court will, in with the evidence adduced consider the materiality elimits of the desired testiproduced, does not appear produced, does not appear by true, and hence the ac-count with respect to the sand new trial will not be proposed in this case, in becourt should not have the pury that, under an in-se jury that, under an in-se theft the indictment be-af to show the receiving of div, the jury could convict at offense, such charge not test to its not revisable er-isdiment in the property. J. White does not con ur ion in its entirein the disposition of

an the disposition of diffrmed.

Although the court though the state from Gonzales the state from Gonzales the state of the court though the state of the court though the court as excepted to, a correct of or the error has been strated for the error has been strated for the error has been strated for the error has been as as that. While in argument for either side should as and confined to lounds, a conviction will crack merely because the example of the defendant, the faces in evidence, circulations they may be, and does both his guilt. The was parely direct meaning the convincing a conviction for such strated.

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dired.

Selection for such selections of such selections. Selection for such selections was an appearance of damages. The start selection for fight a solid of damages, the start selection for damages are of the land over any at the time it was a selected to perfect appearance of the award of such selections of the award made selections. Otherwise evilonation that the land, is admissed.

The selection of the selection of the land, is admissed.

stricted. The charge in this case went beyond the requirements of this rule, in that it was applied to every phase of evidence which, under the indict-ment, was admitted by the judge, Raversed and remanded.

Wallis, Landis & Co.vs. Eichelberger, Walits, Landis & Co.vs. Eichelberger, from Houston county.—Objection that certain evidence was improperly rejected is unfenable when it appears that it was supplied from another s uree. The action in this case was for damages for the wrongful levy of an attachment on mercantile goods. Upon the measure of damages the court Voll see it took regression. damages for the wrongful levy of an attachment on mercantile goods. Upon the measure of damages, the court the measure of damages, the court charged that in estimating damages they would consider the difference bethey would consider the difference besas laid down by allike the old code, the late of the cash market value of the strong enough to make that cap extended to define the The indictments are contained to the work of attachment; also the damage which the proof might show that defendant such must be affected in the min correct, but errongents must be affected in the main correct, but errongents in so far as it authorized other than actual damages for damage to fix it, and the spring was strong enough to make that cap extended to have any blode, the weapon was good for five shots with five pulls of the trigger. It was a clumsy and most unreliable such of the with of attachment, also the damage which the proof might show that defendant such five pulls of the trigger. It was a clumsy and most unreliable such of the weapon was good for five shots with five pulls of the trigger. It was a clumsy and most unreliable such of the weapon was good for five shots with five pulls of the trigger. It was a clumsy and most unreliable such of the trigger, and the prior five shots with five pulls of the trigger. It was a clumsy and most unreliable such the proof might show that defendant the proof might show that defend than actual damages for damage to credit. By provision of the revised statutes (article 1,318) charges of the court in civil cases are to be regarded as excepted to without the reservation of bills; otherwise the fact that the charge as above stated, not being excepted to, would be held reversible error. Affirmed, Wilison, J.

Jones & Winters vs. Ross & Foster, from Walker county.—The motion for new trial in this case was based upon the ground, mainly, that the law to was apt to miss fire. That natural credits of the reporter of the property of the pro

upon the ground, mainly, that the law required a charge to the effect that appelice bad made a tender, and that the law required a tender of the property by appellee, as a condition precedent to the revision of the contract; that "offer to return" was not tantamount to a legal tender. Held, not well taken.

2. That appellants were not permitted to prove the capacity of machinery similar to that levied upon. Held, 2. That appellants were not permitted to prove the capacity of machinery similar to that levied upon. Held, that the objection is not maintainable. Motion for rehearing overruled,

Lowrie & Couler vs. State, from Travis-On rehearing,-The grounds of motions for rehearing in these two cases known of several cases in which per are substantially that the motions to sous have escaped conviction for murquash the indictments should have der on the ground that in their excite been sustained, because the pennt code does not define the offense of the trigger, sodomy. In the thoroughly consider off by age sodomy. In the thoroughly considered case of Bergen vs. State, 14
Texas Ct. App, 52, this court decided that article 3 of the revised codes (penal) amends the corresponding article of the original code, so that now it is no longer necessary that an offense be "expressly defined." If the act or omission co nomine is made a penal offense and is affixed, it becomes an offense punishable by law. In the same case it was decided that sodomy, by article 342 of the penal code, was made an offense against the laws of this state made punishable by law. Upon the same rulings this court affined these two cases. Ad-bering to these opinions, the motions for rehearing based upon the grounds stated are overruled. White, P. J.

ROBERTSON COUNTY.

The Town of Calvert-Its Schools and Prosperity-Minor Notes.

Caivert, March 21,—While Caivert is or has been a very quiet town in boasting about her natural advantages, enterprises, &c., as do most of the towns of Texas, we wish to call atten-tion to the fact that we are not mossbacks by any means. If one will notice carefully, one can soon find that our Brazos river farms make our town the best cotton point on the Central railroad. In view of the fact that we are up with the times as to building, our Home Building and Loan Association has concluded to crect a hotel here to cost \$25,000. The creet a hotel here to cost \$25,000. The city has just completed two handsome school buildings for free school purposes, and we now have one of the best systems of graded schools in the state in operation with a daily attendance of over 400 children. We pride ourselves on our new schools. They are attracting many of the best citizens from our sister towns who are erecting good residences with the view of staying here.

of staying here.
Politics is in a dormant state here at president, but we expect to soon hear the candidate's trumpet. A great ma-ny prefer the "Old Alcalde" as first caoles for governor, and next is Ire-

Miss Laura Malone, one of Dallas' most charming young ladies, who has been visiting Calvert, returned home

All lovers of the dance enjoyed them-selves until a late hour at the Opera hall last night.

Coal Mine on Fire.

Take from Smith ladge to construct his being the jury it is the sevidences advanced. San Francisco, March 21.—The Chronicle's Tacoma, W. T., special stys that fire is raging in the New-castle coal mine, the most valuable of those belonging to the Oregon Improvement company. The mine has been on fire for eighteen months, but the fact that it had obtained mastery over the management has been concealed. It is believed that it is now necessary to shut down and flood the mine.

CAN YOU SHOOT!

New Styles in Revolvers-The Self-Cocking Weapon, Boston Globe.

"This," said an expert in firearms, "is the old-style of self-cocking revolver, and this is the new." The

"What was their weak point?" asked the reporter.

"The spring. It did not hold its strength, and after a little use the pistol was apt to miss fire. That naturally drove it out of favor at once, and very properly. That weakness has been overcome, and springs are now so adjusted that the shot is sure every time. The present self-cocker is neat, of these is worth a bushel of hand-cockers. They are a little more dan-gerous in the hands of a nervous man who does not intend to shoot. I have and the pistol went off by accident. But any kind of a pistol is unsafe in such hands, and when we think of the advantages which a quick, reliable weapon gives to a man in an emergency, we are bound to admire the self-cocker. Five shots in three seconds is pretty quick work, but that's what it will do, and do it every time. As a pocket pistol it is as safe to carry as any other kind.

Mr. James R. Randall sends the fol-lowing story from Washington to the Augusta (Ga ) Chronicle: "A middle-aged man approached Gen. Hampton the other day and asked his influence in pressing a claim before the military in pressing a claim before the military committee of the senate. The stranger then said: 'General, I am glad to see you again. You do not recognize me, but you personally made a prisoner of me during the war.' Comparing notes, Hampton found out that it was a fact, and recalled the circumstance. He was reconnoitering one night and missed his way. Around him burned many more camp fires than he had left behind him. Entering a house he discovered that he tering a house he discovered that he had strayed into the enemy's lines. A few soldiers were seated at a table, and abruptly addressing them as if a supeabriphly addressing them as it as aperior officer of their own army, he asked who they were and what they were doing there. One man spoke up and replied: 'We belong to the Eighth New York regiment, and Gen, Warren sent us to get milk.' Hampton felt that all of his nerve and address would be required to extricts.

Wade Hampton Tells It Himself.

ton felt that all of his nerve and address would be required to extricate himself from this dangerous position. He reached for his pistol, held it along his thigh, and, on leaving the house, commanded the man who had spoken to him to follow. He did so. Hampton mounted his hors: and called the man to him. Bending down to the Federal soldier's ear, he whispared: "I have a pistol aimed at your head, and will Federal soldier's ear, be whispered: "I have a pistol, aimed at your head, and will shoot you if any alarm is made." The surprised soldier whispered: Don't shoot. I surrender. Hampton then bade him move on just ahead of his horse, and so brought him into the Confederate camp. It was this man who, after more than twenty years, met his captor and asked a favor of him, as a senator, that he was more than willing to grant. It was a strange and romantic coincidence in the returning cycles of time."

Marriage Licenses.

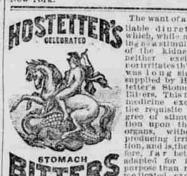
The following marriage licenses were issued in the county cierk's office yesterday:
S. W. Keller to Miss Elizabeth Dunn; D. T. Fielder to Miss Sarah E.

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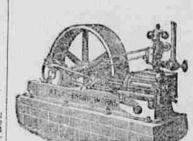
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Bull Tongues, etc.; Casaday Sulky Plows; Moline and other Farm Wagons; Seeley Hay Press; Cane Mills and Evaporators; Evans' Corn Planters; Tents and Wagon Sheets; Wagon Bows; Wheelbarrows; Wagon and Platform Scales; Sulky Hay Rakes; Wood's Mowers; Sucker State Grain Drills; Strowbridgdes' Broadcast Seed Sow-

en: Elevator Cups; Mill Picks; Bolting Cloth; Scotch Harrows; Harrow Teeth; smoothing Harrows; Single Trees, etc., etc.; Walter A. Wood's Twine Binders, Mowers and Self Rakes; Wire Stretchers; Corn Shellers; Corn and Shuck Shellers; Kennesaw Water Elevators; Buggies; Spring Wagons; Artesian Well Machinery, etc.

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